



# **Industry Commission Amendment Act 1995**

**No. 150 of 1995**

## **CONTENTS**

### **Section**

- 1. Short title**
- 2. Commencement**
- 3. Schedule**

## **SCHEDULE**

**AMENDMENTS OF THE INDUSTRY COMMISSION ACT 1989**



# **Industry Commission Amendment Act 1995**

**No. 150 of 1995**

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**An Act to amend the *Industry Commission Act 1989***

*[Assented to 16 December 1995]*

The Parliament of Australia enacts:

**Short title**

1. This Act may be cited as the *Industry Commission Amendment Act 1995*.

**Commencement**

2. This Act commences on the day on which it receives the Royal Assent.

*Industry Commission Amendment No. 150, 1995*

**Schedule**

**3. The *Industry Commission Act 1989* is amended in accordance with the applicable items in the Schedule to this Act.**

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**SCHEDULE**

Section 3

**AMENDMENTS OF THE INDUSTRY COMMISSION ACT 1989**

**1. Paragraph 28(1)(b):**

Omit “8”, substitute “11”.

**2. Subsection 29(1):**

Omit “on a full-time basis”.

**3. After subsection 29(1):**

Insert:

“(1A) The Chairperson must be appointed on a full-time basis. The other Commissioners may be appointed on a full-time or part-time basis.”.

**4. Section 30:**

Before “Commissioner” insert “full-time”.

**5. Section 30:**

Add at the end:

“(2) A part-time Commissioner must not engage in any paid employment that, in the Minister’s opinion, conflicts with the proper performance of the Commissioner’s duties.”.

**6. After subsection 34(2):**

Insert:

“(2A) The Chairperson may grant leave to a part-time Commissioner to be absent from a meeting or meetings of the Commission.”.

**7. Subsection 35(4):**

Omit “8”, substitute “11”.

**8. Paragraph 38(5)(b):**

Before “Commissioner” insert “full-time”.

**9. After paragraph 38(5)(b):**

Insert:

“(ba) a part-time Commissioner:

- (i) engages in paid employment that, in the Minister’s opinion, conflicts with the proper performance of the Commissioner’s duties; or
- (ii) is absent from duty, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or

**SCHEDULE—continued**

(iii) is absent, except on leave granted under subsection 34(2A), from 3 consecutive meetings of the Commission; or”.

**10. Paragraph 40(5)(a):**

Omit “3”, substitute “4”.

**11. Subsection 40(8):**

Omit “section 41”, substitute “sections 41 and 41A”.

**12. After section 41:**

Insert:

**Constitution of Division by a single Commissioner in exceptional cases**

“41A.(1) This section applies if:

- (a) only 1 member of a Division, or only 1 person appointed to act as such a member, is available to attend a public hearing by the Division; and
- (b) the other members of the Division, and the other persons appointed to act as those members (if any), are unavailable to attend the hearing because of accident, illness, injury or any other reason beyond their control.

“(2) Despite section 41, if this section applies:

- (a) the Division is taken, for the purposes of the hearing, to be constituted by the sole available member or acting member until 1 of the other members or acting members becomes available to attend the hearing; and
- (b) while the sole available member or acting member is taken to constitute the Division, he or she is, for the purposes of this Act, taken to have been nominated to preside at the meeting of the Division at which the hearing takes place.

“(3) Paragraph (2)(b) does not apply if the sole available member, or acting member, of the Division is the Chairperson or acting Chairperson.

“(4) In this section:

***public hearing*** includes part of a public hearing.”.

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[Minister's second reading speech made in—  
House of Representatives on 21 November 1995  
Senate on 22 November 1995]